

LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS

Multiple Dwelling Reports
Form and Content; Filing; Late Filing Fees

Proposed Amendments: N.J.A.C. 13:10-2.3 and 2.4
Proposed New Rule: N.J.A.C. 13:10-2.7

Authorized By: J. Frank Vespa-Papaleo, Director, Division on Civil Rights
Authority: N.J.S.A. 10:5-8, 10:5-12 and 10:5-14.1a.
Calender Reference: See Summary below for explanation of exception to calender requirement
Proposal Number: PRN 2003-474

Submit comments by January 30, 2004 to:
Gary LoCassio, Assistant Director
Division on Civil Rights
P.O. Box 089
Trenton, New Jersey 08625-0089

The agency proposal follows:

Summary

The Division on Civil Rights (the Division), pursuant to its rulemaking authority found at N.J.S.A. 10:5-8, proposes amendments to N.J.A.C. 13:10-2.3 regarding the form and contents of a report to be filed with the Division by owners of multiple apartment dwellings and to N.J.A.C. 13:10-2.4 regarding the filing of such reports. The Division also proposes new rule N.J.A.C. 13:10-2.7 regarding late filing fees.

The rules contained in Chapter 10 of the Division's rules require owners of multiple apartment dwellings which have 25 units or more to file an annual report with the Division concerning the racial/ethnic composition of the multiple dwelling, whether any of its buildings or developments are barrier-free, as well as other factors affecting the dwelling's composition. The New Jersey Supreme Court in New Jersey Builders, Owners and Managers Ass'n v. Blair, 60 N.J. 330 (1972) upheld the rules as a rational approach to enforcing the Law Against Discrimination (LAD).

The Division currently possesses the technology to accept the filing of these reports over the internet on the Division's website. The proposed amendment to N.J.A.C. 13:10-2.3 would provide that the form for submitting the report is available on the Division's website. The proposed amendment to N.J.A.C. 13:10-2.4 would provide that the report may be filed electronically on the Division's website or by delivering a copy of the report to the Division. The proposed amendment would also set forth how the date of filing of the report is to be determined. Additionally, filing deadlines for prior years contained in N.J.A.C. 13:10-2.4(b) that are no longer relevant have been deleted.

The Director of the Division on Civil Rights is authorized to impose penalties for the failure to timely file the required report. See N.J.S.A. 10:5-14.1a and N.J.A.C. 13:10-2.6. The Director has in the past imposed penalties on a case-by-case basis. The proposed new rule would make the process of imposing penalties for untimely filing more uniform by designating specific penalties for specified time periods in which the filing is late.

As the Division has provided a 60-day comment period on the notice for this proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)(5).

Social Impact

The Division believes that the proposed amendments and new rule will impact only owners of multiple apartment dwellings, and should have a positive impact on this segment of society. The proposed amendments will allow such owners the flexibility to file the already required multiple dwelling report electronically over the internet.

Economic Impact

The proposed amendments and new rule will not impose any additional costs on owners of multiple apartment dwellings or the general public. The new rule would impose a designated late

filing penalty against an owner of a multiple apartment dwelling who fails to file the required report in a timely fashion; however, such owners are already subject to a penalty for an untimely filing. The proposed new rule merely sets forth uniform penalties for specific time periods of untimeliness.

Federal Standards Statement

A Federal standards statement is not required because there are no Federal standards or requirements applicable to the proposed amendments and new rule.

Jobs Impact

The Division does not believe that the proposed amendments or new rule will increase or decrease jobs in the State.

Agriculture Industry Impact

The Division does not believe that the proposed amendments or new rule will have any impact on the agriculture industry in the State.

Regulatory Flexibility Statement

The Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-16 et seq., requires the Division to give a description of the types, and an estimate of the number, of small businesses to which the proposal will apply. The proposed amendments and new rule would apply only to owners of multiple apartment dwellings with at least 25 units, of which there are approximately 3,000. The Division believes that many of these may be considered “small businesses.” The proposed amendments and the new rule would not, however, impose new reporting, recordkeeping or other compliance requirements on these businesses, but allow such businesses the flexibility of filing the already required multiple dwelling report electronically over the internet.

Smart Growth Impact

The Division does not anticipate that the proposed amendments and new rule will have any

impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan, otherwise known as the State Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:10-2.3 Form and contents of report

(a) The report shall be submitted on forms approved by the Attorney General and said forms shall be available **on the website of the Division on Civil Rights (www.NJCivilRights.org)**, at any office of the Division on Civil Rights or other place so designated by the Attorney General.

(b) (No change.)

13:10-2.4 Filing of reports

(a) One copy of the report shall be filed with the Division on Civil Rights on a yearly basis. **The report may be filed electronically using the website of the Division on Civil Rights or by delivering a copy of the report to the Division's office.**

(b) The report shall be due on January 30 of each year [beginning January 30, 2000, and continuing]. Each annual report shall include information for January 1 through December 31 of the preceding year. [However, no report shall be due on October 15, 1999. Instead, the report due on January 30, 2000, shall include information covering October 15, 1998 through December 31, 1999.]

(c) The date of filing of a report filed through the Division on Civil Rights website shall be the date the report is submitted in full on the website and an acknowledgment of receipt is issued. The date of filing of a report filed by mail or personal delivery to the Division on Civil

Rights shall be the date the report is stamped received by the Division.

13:10-2.7 Late filing fees

(a) An owner or owners of a multiple apartment development who files a report more than 15 calender days after the time for filing reports set forth in N.J.A.C 13:10-2.4, but not later than 30 calender days after such time for filing, shall be subject to a penalty for late filing of \$100.00.

(b) An owner or owners of a multiple apartment development who files a report more than 30 calender days after the time for filing reports set forth in N.J.A.C 13:10-2.4, but not later than 60 calender days after such time for filing, shall be subject to a penalty for late filing of \$250.00.

(c) An owner or owners of a multiple apartment development who files a report more than 60 calender days after the time for filing reports set forth in N.J.A.C 13:10-2.4, but not later than 90 calender days after such time for filing, shall be subject to a penalty for late filing of \$500.00.

(d) An owner or owners of a multiple apartment development who files a report more than 90 calender days after the time for filing reports set forth in N.J.A.C 13:10-2.4 shall be subject to a penalty in an amount designated by the Director of the Division on Civil Rights pursuant to N.J.S.A. 10:5-14.1a.

(e) Payment of the fees under (a), (b) and (c) above shall be submitted in the form of a check made payable to “Treasurer – State of New Jersey.”